

REMARKS

This responds to the Final Office Action dated August 21, 2008.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-9 and 246-258 remain pending in this application.

Claims 246-258

Claims 246-258 are not rejected in the Office action. It is submitted that claims 246-258 are in condition for allowance, of which a prompt notice is respectfully requested.

§103 Rejection of the Claims

Claims 1-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wendorf (U.S. Patent No. 5,469,431) in view of the US patent referred to by the Office action as Jeffers and identified as U.S. Patent No. 4,271,069.

It is respectfully pointed out that U.S. Patent No. 4,271,069, issued to Tsong and titled "Beta HCG Preparation and Method," is not related to the subject matter of any of the claims 1-9. Applicants assume that Examiner intended to refer to U.S. patent no. 4,247,106 issued to Jeffers.

With respect to claim 1, the Office action correctly states that Wendorf does not disclose or suggest a distributed computing application and refers to Jeffers that is related to a system arrangement for distribution and use of video games (Jeffers, Title). Specifically, the Office action cites Jeffers at 1: 15-40, 1: 35-45, and 2: 1-15 and states that "[t]he video game software of Jeffers meets the claimed distributed computing application." (Detailed action mailed 8/21/08, page 3.) It is submitted that a reference to video game software does not amount to a computing application that is a distributed computing application. There is no indication that a television game in Jeffers is a distributed computing application. Thus, Jeffers, whether considered separately or in combination with Wendorf, fails to disclose or suggest a "distributed computing application," as recited in claim 1.

The Office action does not address all of the features of claim 1. For instance, while citing Jeffers to show a computing application, the Office action does not discuss a distributed computing application being associated with a video program that is represented by auxiliary data contained in ones of a series of time division multiplexed packets. It is submitted that these features are not disclosed or suggested by the combination of Wendorf and Jeffers.

The Office action refers to program guide map tables in Wendorf that may be cyclically updated (Detailed action, page 3), but does not address the feature wherein said distributed computing application (which is associated with a video program) is repetitively transmitted independent of receiving client computer apparatus and also that the repetitive transmission is during times that said video program is transmitted. It is submitted that these features are not disclosed or suggested by the combination of Wendorf and Jeffers.

The Office action submits that certain features of claim 1 (namely, "a client computer, which includes a packet selector connected to said source for selecting and directing packets containing said auxiliary data representing said video program to a video signal processor and selecting and directing packets containing said associated distributed computing application to a further processor; and said further processor including means to assemble said distributed computing application and execute said distributed computing application to form an interactive video program") are disclosed by the combination of Wendorf at 4: 16-30 and 8: 51-65 and Jeffers at 2: 55-65. The Office action does not explain which particular feature of Wendorf (or Jeffers) is considered to correspond to a packet selector, which feature is considered to correspond to a video signal processor to which packets containing said auxiliary data representing said video program are directed, which feature is considered to correspond to a further processor that includes means to assemble said distributed computing application and execute said distributed computing application to form an interactive video program. The Office action also does not explain which features in the combined references are considered to read on an interactive video program that is formed by executing of said distributed computing application by the further processor. It is submitted that these features are not disclosed or suggested by the combination of Wendorf and Jeffers.

The Office action does not address the feature of "in which execution of said distributed computing application alters said video program" recited in claim 1. It is submitted that the combination of Wendorf and Jeffers fails to disclose or suggest this feature.

Thus, because the combination of Wendorf and Jeffers fails to disclose or suggest all elements of claim 1, claim 1 and its dependent claims are patentable and should be allowed.

Claim 6 recites "a client computer including a data receiver for selecting packets of one of the plurality of distributed computing applications, and extracting the corresponding distributed computing application representative data included in the selected packets and applying it to computer program controlled apparatus for executing the extracted distributed computing application, said data receiver extracting auxiliary data from auxiliary packets in the data stream and supplying it to an auxiliary data processor." The Office action does not address the elements of this feature, e.g., "extracting the corresponding distributed computing application representative data" and "extracting auxiliary data from auxiliary packets in the data stream and supplying it to an auxiliary data processor." It is submitted that the combination of Wendorf and Jeffers fails to disclose or suggest the features of claim 6. Thus, because the combination of Wendorf and Jeffers fails to disclose or suggest all elements of claim 6, claim 6 is patentable and should be allowed.

The Office action states that a "directory module" recited in claim 7 is disclosed by the Service map discussed in Wendorf at 5: 49-65 and at 6: 35-51. Claim 7, however, recites "the client computer *extracts said directory module from the data stream and using data contained in the directory module extracts packets associated with said distributed computing application and builds said distributed computing application and executes said distributed computing application.*" The Office action does not address these specific features. It is submitted that the combination of Wendorf and Jeffers fails to disclose or suggest the features of claim 7. Thus, because the combination of Wendorf and Jeffers fails to disclose or suggest all elements of claim 7, claim 7 and its dependent claim are patentable and should be allowed.

Claim 9, recites "receiving a packet data stream including packets of video signal time multiplexed with packets of data representing a distributed computing application which

distributed computing application is repetitively transmitted independently of said client computer and at least one of the packets representing the distributed computing application includes a directory containing information inter-relating ones of the packets containing said distributed computing application; a data stream receiver, coupled to said input terminal, for receiving the data stream, providing separate data streams of said video signal and said distributed computing application, extracting said directory packet and responsive to the directory, extracting packets containing said distributed computing application representative data." The Office action does not address specific features recited in claim 9, such as, e.g., "a packet data stream including packets of video signal time multiplexed with packets of data representing a distributed computing application" and "a distributed computing application ... repetitively transmitted independently of said client computer." It is submitted that the combination of Wendorf and Jeffers fails to disclose or suggest the features of claim 9. Thus, because the combination of Wendorf and Jeffers fails to disclose or suggest all elements of claim 9, claim 9 is patentable and should be allowed.

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Dkt: 2050.001US4

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Title: APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM,
AND METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(408) 278-4052

Date October 20, 2008By /Elena Dreszer/
Elena B. Dreszer
Reg. No. 55,128

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20 day of September, 2008.

John D. Gustav-Wrathall
Name Paralegal
Schwegman, Lundberg & Woessner

[Signature]
Signature